

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Marvin K. Mallory
Tanya L. Mallory
Debtor(s)

Bankruptcy Case No.: 13-20409-CMB
Issued Per May 18, 2017 Proceeding
Chapter: 13
Docket No.: 90 – 85, 86
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 29, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$3,588 as of June 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Municipality of Penn Hills sewage at Claim No. 16 .
- ☒ H. Additional Terms: The secured claim of Bank of America at Claim No. 23–3 shall govern as to prepetition arrears, and the monthly post–petition payment shall be based on allowed payment changes of record along with its \$100 post–petition claim.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: May 24, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Marvin K. Mallory
 Tanya L. Mallory
 Debtors

Case No. 13-20409-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 36

Date Rcvd: May 24, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 26, 2017.

db/jdb
 cr +Marvin K. Mallory, Tanya L. Mallory, 6233 Hallwood Drive, Verona, PA 15147-2524
 cr +BANK OF AMERICA, N.A., 2380 Performance Dr, Richardson, TX 75082-4333
 13558030 Duquesne Light Company, c/o Peter J. Ashcroft, 2200 Gulf Tower, Pittsburgh, PA 15219
 13570161 +AAS Debt Recovery, PO Box 129, Monroeville, PA 15146-0129
 13558031 +AES/PHEAA, PO Box 8147, Harrisburg PA 17105-8147
 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, 4161 Piedmont Parkway, Greensboro, NC 27410)
 13651143 +Bank of America, N.A., 7105 Corporate Drive, Plano, TX 75024-4100
 14226011 +Bank of America, NA, P.O. Box 31785, Tampa, FL 33631-3785
 13558032 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, PO Box 85520, Richmond, VA 23285-5075)
 13558033 +City County FCU, 220 Grant Street, Pittsburgh, PA 15219-2123
 13558036 ++DOMINION VIRGINIA POWER, PO BOX 26666, 18TH FLOOR, RICHMOND VA 23261-6666
 (address filed with court: Dominion Peoples, P.O. Box 26666, Richmond, VA 23261)
 13558035 Dollar Bank, Three Gateway Center, Pittsburgh, PA 15222
 13683883 +Dollar Bank FSB, PO Box 3969, Pittsburgh, PA 15230-3969
 13626375 +ECMC, PO BOX 16408, St. Paul, MN 55116-0408
 13558037 +Lease and Rental Mgmt Corp d/b/a Auto Loan, 45 Haverhill Street, Andover, MA 01810-1414
 13616090 +Municipality of Penn Hills, c/o Portnoff Law Associates, Ltd., P.O. Box 3020,
 Norristown, PA 19404-3020
 14405151 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: NATIONSTAR MORTGAGE, LLC, PO BOX 619096, DALLAS, TX 75261-9741)
 13558039 +National Credit Adjustment, 327 W 4th Avenue, Hutchinson, KS 67501-4842
 13558040 PHEAA, 1200 North Seventh Street, Harrisburg, PA 17102-1444
 13652657 +Peoples Natural Gas Co. LLC, Attn: Andrew Weisner, 375 North Shore Dr., Suite 600,
 Pittsburgh, PA 15212-5866
 13558041 RJM Acquisitions, P.O. Box 18013, Hauppauge, NY 11788
 13558042 +ThinkCashFBD, PO Box 10178, Fort Worth, TX 76114-0178
 13558043 +Verizon Wireless, 1515 Woodfield Road, Suite 1400, Schaumburg, IL 60173-5443

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13592812 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 25 2017 02:58:32
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838
 14225890 +E-mail/Text: bankruptcy@consumerportfolio.com May 25 2017 00:58:40
 CONSUMER PORTFOLIO SERVICES, INC., P.O. BOX 57071, IRVINE, CA. 92619-7071
 13558034 +E-mail/Text: stacy@consumercollection.com May 25 2017 00:58:59 Consumer Collection MN,
 2333 Grissom Drive, Saint Louis, MO 63146-3322
 13606336 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM May 25 2017 00:59:18 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200 Gulf Tower,
 Pittsburgh, PA 15219-1908
 13635610 E-mail/Text: JCAP_BNC_Notices@jcap.com May 25 2017 00:58:41 Jefferson Capital Systems LLC,
 PO BOX 7999, SAINT CLOUD MN 56302-
 13558038 +E-mail/PDF: resurgentbknofications@resurgent.com May 25 2017 00:51:15 LVNV Funding,
 P.O. Box 10584, Greenville, SC 29603-0584
 13648133 E-mail/PDF: resurgentbknofications@resurgent.com May 25 2017 00:50:46 LVNV Funding LLC,
 c/o Resurgent Capital Services, P.O. Box 10675, Greenville, SC 29603-0675
 13645287 E-mail/PDF: resurgentbknofications@resurgent.com May 25 2017 00:50:46
 LVNV Funding, LLC its successors and assigns as, assignee of FFPM Carmel Holdings I, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 13645288 E-mail/PDF: resurgentbknofications@resurgent.com May 25 2017 00:51:01
 LVNV Funding, LLC its successors and assigns as, assignee of Arrow Financial Services,,
 LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 13645286 E-mail/PDF: resurgentbknofications@resurgent.com May 25 2017 00:51:01
 LVNV Funding, LLC its successors and assigns as, assignee of General Electric Capital,
 Corporation, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 13598656 +E-mail/Text: csidl@sbcglobal.net May 25 2017 00:58:58 Premier Bankcard/Charter,
 P.O. Box 2208, Vacaville, CA 95696-8208
 13584430 E-mail/Text: bnc-quantum@quantum3group.com May 25 2017 00:57:46
 Quantum3 Group LLC as agent for, Galaxy Asset Purchasing LLC, PO Box 788,
 Kirkland, WA 98083-0788
 13580619 E-mail/Text: bnc-quantum@quantum3group.com May 25 2017 00:57:46
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Bank Of America, N.A.
 cr Bank of America, N.A. et. al.
 cr NATIONSTAR MORTGAGE LLC

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 36

Date Rcvd: May 24, 2017

cr* ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408
cr* +Municipality of Penn Hills, c/o Portnoff Law Associates, Ltd., P.O. Box 3020,
Norristown, PA 19404-3020
cr* +Penn Hills School District, c/o Maiello, Brungo & Maiello, LLP, 3301 McCrady Road,
Pittsburgh, PA 15235-5137
13651651* ECMC, P.O. Box 16408, St. Paul, MN 55116-0408
13635619* ++JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999, SAINT CLOUD MN 56302-7999
(address filed with court: Jefferson Capital Systems LLC, PO BOX 7999,
SAINT CLOUD MN 56302-9617)
13586866 ###Penn Hills School District, c/o Maiello Brungo & Maiello, LLP, 3301 McCrady Road,
Pittsburgh, PA 15235-5137
13572028 ###Rjm Acquisitions Funding Llc, 575 Underhill Blvd, Suite 224, Syosset, NY 11791-3416
13572026 ###Rjm Acquisitions Llc, 575 Underhill Blvd, Suite 224, Syosset, NY 11791-3416
TOTALS: 3, * 5, ## 3

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

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pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 26, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on May 24, 2017 at the address(es) listed below:

Allison F. Wells on behalf of Creditor Bank Of America, N.A. pawb@fedphe.com,
fedphe@hotmail.com;amber.zinski@phelanhallinan.com
James Warmbrodt on behalf of Creditor NATIONSTAR MORTGAGE LLC bkgroup@kmlawgroup.com
James A. Prostko on behalf of Creditor BANK OF AMERICA, N.A. pawb@fedphe.com,
james.prostko@phelanhallinan.com
Jennifer L. Cerce on behalf of Creditor Penn Hills School District jlc@mbm-law.net
Jeremy J. Kobeski on behalf of Creditor BANK OF AMERICA, N.A. pawb@fedphe.com
Jerome B. Blank on behalf of Creditor Bank Of America, N.A. pawb@fedphe.com
Jerome B. Blank on behalf of Creditor BANK OF AMERICA, N.A. pawb@fedphe.com
Joseph A. Dessoye on behalf of Creditor Bank of America, N.A. et. al. pawb@fedphe.com
Joseph P. Schalk on behalf of Creditor BANK OF AMERICA, N.A. pawb@fedphe.com,
joseph.schalk@phelanhallinan.com
Joshua I. Goldman on behalf of Creditor NATIONSTAR MORTGAGE LLC bkgroup@kmlawgroup.com
Kevin H. Buraks on behalf of Creditor Municipality of Penn Hills kburaks@portnoffonline.com
Mario J. Hanyon on behalf of Creditor NATIONSTAR MORTGAGE LLC pawb@fedphe.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.court
rive.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Shawn N. Wright on behalf of Joint Debtor Tanya L. Mallory shawn@shawnwrightlaw.com,
wrightshawn@hotmail.com;wrightshawn49@gmail.com;wrightshawnecf@gmail.com
Shawn N. Wright on behalf of Debtor Marvin K. Mallory shawn@shawnwrightlaw.com,
wrightshawn@hotmail.com;wrightshawn49@gmail.com;wrightshawnecf@gmail.com

TOTAL: 17